

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

627R0311

## HOUSE BILL NO. 1082

Introduced by: Representatives Cutler, Feickert, and Schlekeway and Senators Gant, Miles,  
and Tieszen

1 FOR AN ACT ENTITLED, An Act to permit counties to require criminal background checks  
2 for persons seeking employment or applying for certain licenses or permits and to permit  
3 municipalities to require criminal background checks for persons applying for certain  
4 licenses and permits.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

6 Section 1. Any county may, by ordinance, require any person over eighteen years of age  
7 seeking employment with the county to submit to a state and federal criminal background  
8 investigation by means of fingerprint checks by the South Dakota Division of Criminal  
9 Investigation and the Federal Bureau of Investigation. The ordinance shall specify which  
10 occupations or positions require a criminal background check. The county may submit  
11 completed fingerprint cards to the Division of Criminal Investigation before the prospective new  
12 employee enters into service. Upon completion of the state and federal criminal background  
13 check, the Division of Criminal Investigation shall forward to the county all information  
14 obtained as a result of the check. Failure to submit or cooperate with the criminal background  
15 investigation is grounds for denial of employment.



1       Section 2. Any county may, by ordinance, require any person applying for a license or permit  
2       to submit to a state and federal criminal background investigation by means of fingerprint  
3       checks by the South Dakota Division of Criminal Investigation and the Federal Bureau of  
4       Investigation. The ordinance shall specify which licenses or permits require a criminal  
5       background check. The county may submit completed fingerprint cards to the Division of  
6       Criminal Investigation before the license or permit is approved. Upon completion of the state  
7       and federal criminal background check, the Division of Criminal Investigation shall forward to  
8       the county all information obtained as a result of the check. Failure to submit or cooperate with  
9       the criminal background investigation is grounds for denial of the license or permit.

10       Section 3. Any municipality may, by ordinance, require any person applying for a license  
11       or permit to submit to a state and federal criminal background investigation by means of  
12       fingerprint checks by the South Dakota Division of Criminal Investigation and the Federal  
13       Bureau of Investigation. The ordinance shall specify which licenses or permits require a criminal  
14       background check. The municipality may submit completed fingerprint cards to the Division  
15       of Criminal Investigation before the license or permit is approved. Upon completion of the state  
16       and federal criminal background check, the Division of Criminal Investigation shall forward to  
17       the municipality all information obtained as a result of the check. Failure to submit or cooperate  
18       with the criminal background investigation is grounds for denial of the license or permit.